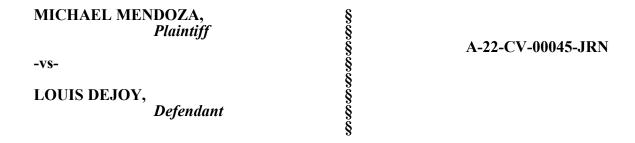
IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS AUSTIN DIVISION



ORDER

Before the Court in the above-entitled cause of action is the Report and Recommendation of United States Magistrate Judge Dustin Howell regarding Defendant's Motion to Dismiss, filed February 15, 2024 (Dkt. 32), and the associated response and reply briefs. This Court referred this cause to the United States Magistrate Judge for findings and recommendations. The Magistrate Judge filed his Report and Recommendation on May 7, 2024. *See* Dkt. 38. After a careful and thorough review of the case and the applicable law, the Magistrate Judge recommends that this Court **GRANT** Defendant's Motion to Dismiss as to Plaintiff's Rehabilitation Act claims and Title VII claim with respect to Plaintiff's 2013 demotion and **DENY** the remainder of the motion. (Dkt. 38).

As noted, the Magistrate Judge issued his Report and Recommendation on May 7, 2024, and on the same date, both parties were served with copies of the Report and Recommendation by electronic means. A party may serve and file specific, written objections to a magistrate judge's findings and recommendations within fourteen days after being served with a copy of the report and recommendation and, in doing so, secure *de novo* review by the district court. 28 U.S.C. § 636(b)(1)(C). Although Rule 72(b) of the Federal Rules of Civil Procedure requires parties to file objections within 14 days, Rule 6 extends this period by 3 days if service is *via* electronic means.

See Fed. R. Civ. P. 6(d); see also American Realty Trust, Inc. v. Matisse Partners, No. Civ. A. 3:00–CV–1801, 2003 WL 22083516, at *1 n. 1 (N.D. Tex. 2003) (adding 3 days to the time period provided under Rule 72(b)). Accordingly, pursuant to 28 U.S.C. § 636(b), Rule 72(b), and Rule 6(d), the parties' objections were due on or before May 18, 2024. However, as of the date of this Order's issuance, the Court has yet to receive objections to the Magistrate's Report and Recommendation. Consequently, the parties are not entitled to a *de novo* review by this Court. Having found no plain error, the Court will accept the Report and Recommendation of the Magistrate Judge for the reasons stated therein.

IT IS THEREFORE ORDERED that the Court hereby ADOPTS the Report and Recommendation that the United States Magistrate Judge has filed in this cause.

IT IS FURTHER ORDERED that Defendant's Motion to Dismiss (Dkt. 3), is GRANTED in part and DENIED in part.

SIGNED this 20th day of May, 2024.

JAMES R. NOWLIN

SENIOR U.S. DISTRICT JUDGE